

**November 4, 2008 Election**

**Candidacy Requirements**

**For**

**U. S. House of Representatives**

**1<sup>ST</sup> CONGRESSIONAL DISTRICT**

***FILING RE-OPENED DUE TO WITHDRAWAL OF DEMOCRATIC NOMINEE***



## INTRODUCTION

This bulletin and all required forms are available on our website.

[http://www.sbe.virginia.gov/cms/Cidate\\_Information/Cidate\\_Forms.html](http://www.sbe.virginia.gov/cms/Cidate_Information/Cidate_Forms.html)

Each document is explained in Item VII on Pages 4 and 5 herein.

Filing deadlines and the officer with whom the qualifying forms are filed are addressed for each candidate type, i.e., Party Candidate Nominated By Method Other Than A Primary and Independent (Non-Party) candidate.

Should you have questions relating to your candidacy, please do not hesitate to call us. Our toll-free number is 800-552-9745. You also can reach us at 804-864-8901.





# TABLE OF CONTENTS

| <i>ITEM</i> | <i>SUBJECT</i>   | <i>PAGE</i> |
|-------------|--|-------------|
| I.          | Requirements Of The Federal Election Campaign Act .....                                    | 1           |
| II.         | Sample Ballots .....   | 1           |
| III.        | Posting Campaign Signs And Other Materials .....   | 1           |
| IV.         | Violations .....   | 2           |
| V.          | VDOT Information .....   | 3           |
| VI.         | Qualifications To Be A Candidate .....   | 4           |
| VII.        | Documents Required To Be Filed.....  | 4           |
| VIII.       | Deadlines And Forms For Primary Candidate Nominated By Method<br>Other Than A Primary..... | 6           |
| IX.         | Deadline And Forms For Independent [Non-Party] Candidate .....                             | 7           |
| X.          | Requirements for Independent Candidate To Use<br>Party ID on the Ballot .....              | 8           |
| XI.         | Notice of Deficiencies In Declaration Or Petitions [Non-Party] Candidate .....             | 9           |
| XII.        | Public Financial Disclosure Statement .....  | 9           |
| XIII.       | Order Of Names On Ballots .....  | 9           |
| XIV.        | Frequently Asked Questions.....  | 10          |



## I. REQUIREMENTS OF THE FEDERAL ELECTION CAMPAIGN ACT

### IMPORTANT

The Federal Election Campaign Act imposes various rules and regulations on candidates and committees. This Act requires candidates and committees to register and disclose campaign receipts and expenditures and to abide by certain contribution limits and prohibitions. A copy of any campaign report required by Federal law also must be filed with the State Board of Elections. The Act further requires that an *Authorization Notice* appear on any public political advertising.

These regulations are published in the federal *Campaign Guide for Congressional Candidates and Committees*. This document is published by and available from the Federal Election Commission, 999 E Street, NW, Washington, D.C. 20463, 800-424-9530, or on the web at <http://www.fec.gov>.

## II. SAMPLE BALLOTS

Any **sample** of a paper or voting machine **ballot** must contain the words **SAMPLE BALLOT** and the appropriate authorization notice as described in the federal *Campaign Guide for Congressional Candidates and Committees* and, in addition, must:

- (a) contain the words **SAMPLE BALLOT** in not less than 24 point type; and
- (b) be printed on paper of a color **other than white or yellow (canary)**.

## III. POSTING CAMPAIGN SIGNS AND OTHER MATERIALS

Campaign signs may **NOT** be posted on any state-owned right of way [see Page 3 herein]. Contact the local government administrator of the county or of the city in which you wish to post signs or other campaign materials to determine whether local ordinances prohibit or restrict the posting of campaign materials.

No locality shall have the authority to prohibit the display of political campaign signs on **private property** if the signs are in compliance with zoning and right of way restrictions applicable to temporary nonpolitical signs and if the signs have been posted with the permission of the owner of the property. [§15.2-109 of the Code of Virginia]

## IV. VIOLATIONS

If you believe that either local ordinances or any election law has been violated and you have facts concerning the violation, you should report those facts in writing to the Commonwealth's Attorney for the county or city in which the violation happened.

Violations of state-owned right of way restrictions should be reported to your regional Virginia Department of Transportation office.

## V. VDOT INFORMATION

### A “clean” campaign is a sign of the times.



#### **Don't “trash” your print budget or throw away volunteer time.**

HIGHWAY WORKERS ARE REQUIRED BY LAW TO REMOVE POSTERS AND FLYERS ON SIGNS, GUARDRAILS - OR ANYWHERE ELSE ON STATE-OWNED RIGHT OF WAY. CAMPAIGN PRINT MATERIALS ARE TOO EXPENSIVE TO WIND UP IN THE BACK OF A VDOT TRUCK. AND VOLUNTEER TIME IS TOO VALUABLE TO BE WASTED ON PUTTING UP MATERIALS THAT ARE DESTINED TO COME DOWN.



#### **Don't make highway workers “play politics” on the job.**

PICKING UP POLITICAL MATERIALS IS A COSTLY ACTIVITY FOR VDOT. BUT THE COST TO THE CANDIDATE COULD BE EVEN HIGHER. VOTERS DON'T LIKE TO SEE THEIR TAX DOLLARS SUPPORTING SUCH ACTIVITIES. THEY EXPECT TO SEE HIGHWAY WORKERS PATCHING POTHOLES, FILLING LOW SHOULDERS, OR MOWING GRASS.



#### **Don't let campaign materials turn into litter.**

MANY VOTERS VOLUNTEER THEIR TIME TO CLEAN UP ROADSIDES IN VDOT'S “ADOPT-A-HIGHWAY” PROGRAM. AFTER SPENDING SEVERAL BACK-BREAKING HOURS BENDING OVER TO PICK UP POLITICAL POSTERS, THEY WON'T FEEL TOO KINDLY TOWARDS THE NAMES AND FACES THAT THEY SEE OVER AND OVER AGAIN.



#### **Don't get “stuck” by bumper stickers.**

ONE LITTLE BUMPER STICKER CAN CAUSE A LOT OF EXPENSE. IF APPLIED TO A ROADSIDE SIGN, THE STICKY RESIDUE IS ALMOST IMPOSSIBLE TO REMOVE. THE SIGN MAY HAVE TO BE REPLACED ENTIRELY. THE LARGE GREEN HIGHWAY SIGNS, FOR EXAMPLE, CAN COST UP TO \$800. EVEN A HUMBLE STOP SIGN COSTS MORE THAN \$50. DON'T RISK ALIENATING VOTERS BY DESTROYING THE VERY SIGNS THAT THEIR TAX DOLLARS HAVE PAID FOR.



#### **Don't risk your candidate's image.**

*IT IS ILLEGAL TO PLACE POLITICAL SIGNS ON STATE-OWNED RIGHT OF WAY.* YOU WANT CITIZENS TO VIEW YOUR CANDIDATE AS A LAWMAKER - NOT A LAW-BREAKER.



#### **Don't risk someone's life.**

ONE MISPLACED SIGN AT AN INTERSECTION COULD BLOCK A MOTORIST'S VISION - AND COST SOMEONE HIS LIFE. THAT'S WHY VDOT TRAFFIC ENGINEERS REVIEW THE PLACEMENT AND POSITION OF EACH HIGHWAY SIGN TO ENSURE SAFETY - AND TO MINIMIZE “VISUAL CLUTTER”. UNDERSTANDABLY, CAMPAIGN VOLUNTEERS ARE THINKING ABOUT VICTORY - NOT SAFETY. AND THAT COULD POSE A DEADLY PROBLEM.

DO put signs, posters, and other campaign materials anywhere you want on private property with the owner's permission, of course. And because political signs and posters located off the right of way aren't considered “outdoor advertising”, you won't even need a permit.

VDOT - call your local Virginia Department of Transportation office for details.

## VI. QUALIFICATIONS TO BE A CANDIDATE

- At least twenty-five years of age by the time of taking office;
- A citizen of the United States for at least seven years; and
- An inhabitant of the State he seeks to represent.

## VII. DOCUMENTS REQUIRED TO BE FILED

### A. Certificate of Candidate Qualification

This document is prepared and distributed by the State Board of Elections. It must be filed by **all** candidates for this election.

### B. Declaration of Candidacy

This document is prepared and distributed by the State Board of Elections. It must be filed by independent (non-party) candidates. The Declaration must be filed **at the same time** as the petitions.

Candidates for political party nomination by a method **other than a primary** file the above declaration and the petitions described below only if so required by the rules of the political party. Contact your Congressional District Chair to determine if they are required.

### C. Petition of Qualified Voters

1. This document is prepared and distributed by the State Board of Elections. Petitions containing at least **1,000** signatures of qualified voters in the congressional district must be filed **together with** the *Declaration of Candidacy*. Petitions must be filed by all independent (non-party) candidates.
2. The State Board recommends that a candidate get at least half again (**1,500**) the number of signatures required to assure that enough signers are qualified voters.

## VII. DOCUMENTS REQUIRED TO BE FILED (continued) REV 2/29/08

### C. Petition of Qualified Voters (continued)

3. Petitions may be circulated by any person who resides in the congressional district from which the candidate is seeking election. The circulator also must be a person who is, or who is eligible to be, registered and qualified to vote for the office for which the petition is circulated.
4. The person circulating the petition must affirm before a notary or other person authorized to administer oaths, that he **personally witnessed** the affixing of the signatures. Falsely taking this affidavit is a felony under Virginia law. The petition **NEVER** can be left unattended, i.e., left on the counter at a grocery store, restaurant, etc.



## VIII. FILING DEADLINE AND WHERE TO FILE

### **For A Party Candidate Nominated By Method Other Than A Primary**

A postmark is acceptable **only** if the form is mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the State Board of Elections.

| <b>FILING<br/>REQUIRED FORM</b>               | <b>WHERE TO FILE</b>  | <b>DEADLINE</b>                 |
|---|---|---------------------------------|
| *1. Certificate of Candidate<br>Qualification | State Board of Elections<br>200 N. 9th St., Ste 101<br>Richmond, VA 23219 | Friday<br>5:00 p.m.<br>9/5/2008 |

### **DO'S AND DON'TS FOR A GENERAL OR SPECIAL ELECTION**

See [http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS\\_DONTS1.pdf](http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONTS1.pdf)

and

### **GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES**

See [http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS\\_DONTS2.pdf](http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONTS2.pdf)

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

|   |
|---|
| <p>Any person who fails to file all the required forms by the above deadline<br/><b>MAY NOT</b> have his name printed on the General Election ballot.</p> |
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\* Refer to Page 4 herein for details.

## IX. FILING DEADLINE AND WHERE TO FILE

### For An Independent (Non-Party) Candidate

*Items 1 and 2* listed below **must be received** by the *State Board of Elections* by the filing deadline. Postmarks are acceptable **only** for *Item 3* and **only** if it is mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the State Board of Elections.

| REQUIRED FORMS                             | WHERE TO FILE            | FILING DEADLINE |
|--|--------------------------|-----------------|
| *1. Declaration of Candidacy               | State Board of Elections | Friday          |
| *2. Petitions of Qualified Voters          | 200 N. 9th St., Ste 101  | 5:00 p.m.       |
| *3. Certificate of Candidate Qualification | Richmond, VA 23219       | 9/5/08          |

### DO'S AND DON'TS FOR A GENERAL OR SPECIAL ELECTION

See [http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS\\_DONTS1.pdf](http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONTS1.pdf)

and

### GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES

See [http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS\\_DONTS2.pdf](http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONTS2.pdf)

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

|   |
|---|
| <p>Any person who fails to file all the required forms by the above deadline<br/><b>MAY NOT</b> have his name printed on the General Election ballot.</p> |
|---|

\* Refer to Pages 4 and 5 herein for details.

## X. REQUIREMENTS FOR INDEPENDENT CANDIDATE TO USE PARTY ID ON THE BALLOT

The General Assembly enacted legislation permitting an Independent to be identified on the ballot as a member of a political party (other than the Democratic Party or the Republican Party). In order to do so, the State Chair of the group must provide certain documents to the State Board of Elections **no later than 5:00 PM on Friday, September 5, 2008.**

These documents are:

1. An affidavit signed by the State Chair of the group, under oath, stating that the group:
  - a. Has been in existence for at least six months prior to the filing deadline (existed on or before March 5, 2008);
  - b. Has a state central committee composed of registered voters from each of Virginia's 11 congressional districts;
  - c. Has a party plan and bylaws; and
  - d. Has a duly designated chairman and secretary.
2. A list of the names and resident addresses of the officers and members of the state central committee;
3. A copy of the party plan and bylaws; and
4. A letter signed by the State Chair of the group, certifying that the individual is the nominee of the Party and, if his filing is adequate and he is determined to be qualified, is eligible to be identified as such on the November 4, 2008 ballot for the U.S. House of Representatives in the 1<sup>st</sup> Congressional District for which he filed as an Independent candidate.

### NOTE:

The State Board of Elections recommends that the Independent candidate provide this information to the State Chair of the political party if he wishes to be identified as a member of a specific group on the November 4 ballot to assure that deadline for providing this information is met.

## XI. NOTICE OF DEFICIENCIES IN DECLARATION OR PETITIONS

An independent (non-party) candidate may request notification of any problems with his filing that can be corrected before the filing deadline. This request **must be in writing** as required by § 24.2-505 of the *Code of Virginia*.

This letter must be addressed to the Secretary of the State Board of Elections. It must accompany the declaration of candidacy and petitions filed with this Board.

The written request **does not guarantee** timely response. Certain factors may affect the Board's ability to follow through, in this case, the short time frame between the party nominee's withdrawal and the filing deadline.

## XII. PUBLIC FINANCIAL DISCLOSURE REPORT

The Federal Ethics in Government Act of 1978 requires any individual who is a candidate for United States House of Representatives to file a Public Financial Disclosure Report with The Committee on Standards of Official Conduct, U S House of Representatives, Room HT-2, The Capitol, Washington, D. C. 20515. Under the Ethics Act, a "candidate" is an individual who (i) either has taken the action necessary under State law to qualify for election or (ii) has filed a Statement of Candidacy [FEC Form 2 or a letter containing the same information]. Forms are available from The Committee on Standards of Official Conduct at the address shown [telephone 202-225-7103].

## XIII. ORDER OF NAMES ON BALLOTS

### In **General Elections**

The candidates of political parties appear first on the ballot in the order determined by a drawing conducted by the State Board of Elections. Candidates representing any other recognized political party (see Item X on Page 8 herein), if any, appear next on the ballot in the order determined by a second drawing conducted by the State Board of Elections. Independent (non-party) candidates appear in alphabetical order after the aforementioned political party candidates.

## XIV. FREQUENTLY ASKED QUESTIONS

### A. Who may circulate a candidate's petitions?

A candidate may circulate his/her own petitions but is not required to do so. A candidate's petitions may be circulated by any person who is either a qualified voter, or who is eligible to be qualified voter, in the congressional district in which the candidate is seeking election.

The circulator must affirm before a notary or other person authorized to administer oaths, that he **personally witnessed** the affixing of the signatures. Falsely taking this affidavit is a felony under Virginia law. The circulator can **NEVER** leave the petition unattended, e.g., left on the counter at a grocery store, restaurant, etc.

### B. I am circulating a petition for a candidate: may I also sign as a qualified voter the petition I am circulating?

I am a Notary circulating petitions for a candidate; may I notarize the petition pages I circulate?

**NO TO BOTH.** The person circulating the petition must answer, under oath, that he **personally witnessed** the affixing of the signatures on the petition and no person can witness his/her own signature.

### C. I am a candidate and a Notary ; may I notarize the petition pages circulated by other persons?

**NO.** § 47.1-30 of the *Code of Virginia* prohibits a notary from performing a notarial act on any document in which the notary or his spouse is a party, **OR** in which either of them has a direct beneficial interest.

Any Notary who violates these provisions is considered guilty of official misconduct, may be removed from office and may be subject to other penalties.

### D. I work for the federal government; can I be a candidate?

**Generally NO**, because the election is usually a partisan one.

Employees of the federal government are prohibited from being candidates in partisan elections by the federal law commonly known as the Hatch Act.

Most employees of the legislative branch are not covered by the Hatch Act. However, but they may be affected by other rules and regulations. Consult the office of the Special Counsel if in doubt [see Item E on the next page].

## XVI. FREQUENTLY ASKED QUESTIONS (continued)

### E. I work for the state or a local government; can I be a candidate?

**Some** state and local government employees **are prohibited** from being candidates. You may be so prohibited if your Agency receives federal funds. **Contact the personnel officer where you work.** If necessary, present the facts of your case in writing, including the office you wish to seek, to the **Office of the Special Counsel**, U. S. Merit Systems Protection Board, 1730 M Street, NW, Suite 300, Washington, D. C. 20036 or call them at either 800-872-9855 or 202-254-3600. That office will determine if you are affected by the Hatch Act.

Most state and local government employees are not prohibited by law from being a candidate. However, you may be affected by the rules of the agency or ordinances of the government for which you work. **Contact your personnel officer.**